

SECTION IV. 3. Personal Care Services

A. Definition

Personal care services assist individuals in the home-based setting with activities of daily living (ADL) and instrumental activities of daily living (IADL) that are essential to the health and welfare of the individual.

B. Personal Care Standards

Personal Care Services providers who employ, manage and supervise personal care attendants within the Choices for Care (CFC) program must be authorized by the Department of Disabilities, Aging and Independent Living (DAIL) and comply with the following:

1. All Applicable State and/or Federal Rules and Regulations
2. Consumer and Surrogate-Directed Employer Responsibilities (Consumer/Surrogate Employers only) as outlined in the Employer Handbook.
3. CFC Universal Provider Qualifications and Standards (*Section III.*)
4. CFC Services Principles (*Section IV.*)
5. Choices for Care Guidelines for Paying Spouses as Caregivers, Effective May 1, 2007.

C. Provider Types

The following provider's types are approved to provide Personal Care Services when authorized by DAIL and identified on the individuals Service Plan:

1. Home Health Agencies as defined by State statute
2. Consumer or Surrogate-Directed Employees hired by Certified Employers

D. Approved Activities

Personal Care Services may include the following approved, reimbursable activities when identified on the individual's assessment and Service Plan:

1. Activities of Daily Living (ADL): ADL's include the following:
 - a. Dressing
 - b. Bathing
 - c. Personal Hygiene
 - d. Bed Mobility
 - e. Toileting
 - f. Assistance with Adaptive Devices

- g. Transferring
 - h. Mobility
 - i. Eating
2. Instrumental Activities of Daily Living: IADL's include the following:
- a. Meal Preparation
 - b. Medication Management
 - c. Using the Telephone
 - d. Money Management
 - e. Household Maintenance
 - f. Light Housekeeping
 - g. Laundry
 - h. Shopping
 - i. Transportation
 - j. Care of Medical or Adaptive Equipment

E. Limitations

1. Personal Care Services as defined in this section are limited to individuals approved by DAIL for services in the Home-Based setting.
2. Personal Care Services are limited to the maximum hours allocated on the DAIL approved Service Plan. If the total amount of Personal Care Services is not sufficient to meet the individual's needs and to ensure their health and welfare, the case manager must request a variance to exceed the maximum as identified on the Personal Care Worksheet.
3. Instrumental activities of daily living (IADLs), not including meal preparation and medication management, are limited to 5.5 hours per week as described on the Personal Care Worksheet.
4. A spouse or civil union partner shall not be paid to provide assistance with Instrumental Activities of Daily Living (IADL) as a part of Personal Care Services.
5. Personal Care Attendants with a substantiated record of abuse, neglect, or exploitation of a child or a vulnerable adult shall not be paid to provide CFC Personal Care Services (*DAIL Background Check Policy, April 1, 2006*).
6. Personal Care Attendants who have been excluded from participation in Medicaid or Medicare services, programs, or facilities by the federal Department of Health and Human Services' Office of the Inspector General shall not be paid to provide CFC Personal Care Services (*DAIL Background Check Policy, April 1, 2006*).
7. Personal Care Attendants who have a criminal conviction for an offense involving bodily injury, abuse of a vulnerable person, a felony drug offense, or a property/money crime involving violation of a position of trust shall not be paid to

provide CFC Personal Care Services (*DAIL Background Check Policy, April 1, 2006*).

8. Personal Care Services shall not be furnished to individuals who are inpatients of a hospital or nursing facility.
9. A legal guardian, appointed by probate court, may not be paid to provide Personal Care Services.
10. A person who receives wages to provide Personal Care Services may not simultaneously receive mileage reimbursement as a volunteer driver through the VT Medicaid transportation benefit.
11. Personal Care Services shall not be provided to a participant who has left the state of Vermont for more than 7 consecutive days.
12. Consumer or Surrogate-Directed employees must be 18 years of age or older.
13. A surrogate employer shall not be paid to provide Personal Care Services.
14. CFC shall not be used to provide Personal Care Services that are otherwise being purchased privately or paid for through another funding source.
15. Assistance with meal preparation does not include the cost of food.
16. Medicare Certified Home Health Agencies may place limitations on the delegation of certain Personal Care Services activities according to VT Statute Title 26, Chapter 28 and the State of VT Board of Nursing Administrative Rules (e.g. medication handling).